

MINUTES OF THE SOLID WASTE MANAGEMENT BOARD MEETING

Indiana Government Center South
402 West Washington Street
Conference Center Room B
Indianapolis, Indiana
June 19, 2001

The meeting was called to order by Vice Chairperson Mayor William Graham. Those present for all or part of the meeting were:

Mr. Michael Carnahan
Mr. Marlin Chambers
Mr. Rick Dyar
Mr. Charles Himes
Ms. Frona Powell
Dr. Stephen Wintermeyer
Mr. Thomas Hohman (Proxy, Department of Natural Resources)
Ms. Melanie Darke Solmos (Proxy, Lieutenant Governor's Office)
Ms. Deborah Albright, Board Counsel

A quorum was present.

In addition, the following IDEM staff members were present for all or part of the meeting:

Mr. Bruce Palin, Deputy Assistant Commissioner, Office of Land Quality
Mr. Michael Dalton, Operations and Information Branch, Rules, Planning and Outreach
Ms. Lynn West, Operations and Information Branch, Rules, Planning and Outreach
Mr. Steve Mojonier, Operations and Information Branch, Rules, Planning and Outreach
Ms. Pam Koons, Operations and Information Branch, Rules, Planning and Outreach
Mr. Louis McFadden, Operations and Information Branch, Rules, Planning and Outreach
Ms. Wendy Hoffspiegel, IDEM Legislative Coordinator
Mr. Craig Barker, Chemist, Science Services Branch
Mr. Dave Berrey, Compliance and Response Branch, Technical Compliance Group

1. Vice Chairperson Graham opened the meeting at 1:36 p.m., and asked for additions or corrections to the minutes of the May 15, 2001 Solid Waste Management Board meeting. There being none, Mr. Tom Hohman moved for approval of the minutes, and Mr. Rick Dyar seconded. The motion passed unanimously.

APPROVAL OF
MINUTES
2. Vice Chairperson Graham then asked Mr. Bruce Palin to address the Board. Mr. Palin said he had nothing to report and then asked Ms. Lynn West to address the Board.

ASSISTANT
COMMISSIONER'S
REPORT

Ms. West distributed the monthly Rulemaking Projects Calendar and mentioned that the Underground Storage Tank Change Rule was added to the list. The purpose of the new rule was to clarify and augment the current rule. She also mentioned that #95-8, the

Readoption Rule previously identified as the Processing Rule, was assigned a new number by the Legislative Services Agency, #01-207. Finally, Ms. West distributed a list of hotels around the Elkhart area whose prices were within the State reimbursement rates. She urged Board members to make their reservations for the October 2001 meeting soon due to high occupancy rates. She then introduced Wendy Hoffspiegel, IDEM's Legislative Coordinator to present the 2001 Legislative update.

Ms. Hoffspiegel had two handouts, the "IDEM 2001 Legislative Summary" and the "2001 Legislation That Affects the Solid Waste Management Board." Ms. Hoffspiegel then highlighted the following pieces of legislation that she felt would be of interest to the Board.

House Enrolled Act 2147	Sunset of Rules
House Enrolled Act 121	Reestablishment of the Environmental Quality Service Council
House Enrolled Act 1307	Liability of Board Members
Senate Enrolled Act 226	Regulation of Iron and Steel Making Slag
House Enrolled Act 1830	Industrial Waste
Senate Enrolled Act 321	IDEM Enforcement of Restrictive Covenants on Land
Senate Enrolled Act 273	Tax Credit for Voluntary Remediation of a Brownfield
House Enrolled Act 1901	Mercury and Mercury Products
Senate Enrolled Act 464	Solid Waste Management District and Waste Management Services

For a verbatim account of Ms. Hoffspiegel's presentation, please see pages 5 through 15 of the official transcript of this meeting.

Finally, Ms. West offered best wishes to Ms. Melanie Darke Solmos on her recent marriage.

Chairperson Carter then announced the following rulemaking action:

- < Final Adoption - New Rules of the Board at 329 IAC 3.1-6-6, hereafter known as Rules Concerning the Exclusion of a Hazardous Waste from Regulation Under 329 IAC 3.1, Heritage Environmental Services, LLC, Delisting Electronic Arc Furnace Dust Rule.

The above rule is available for public inspection in the file room of the Department of Environmental Management, 12th floor, Indiana Government Center North, Monday through Friday, 8:30 a.m. to 4:30 p.m. Instructions were given for those individuals who wanted to offer public testimony and the court reporter was affirmed.

3. Vice Chairperson Graham then opened the hearing to consider final adoption adoption of New Rules Concerning

PRELIMINARY ADOPTION
EXCLUSION OF HAZARDOUS
WASTE FROM REGULATION UNDER

the Exclusion of Hazardous Waste From Regulation Under 329 IAC 3.1, Heritage Environmental Services, LLC, Delisting Electronic Arc Furnace Dust.

329 IAC 3.1, HERITAGE
ENVIRONMENTAL SERVICES LLC,
DELISTING ELECTRONIC ARC
FURNACE DUST

He introduced Exhibit A, the proposed rule, into the record and then asked Mr. Steve Mojonniere to address the Board.

Mr. Mojonniere reviewed the history of the rule. He explained that the electric arc furnace dust, generated by Nucor Steel Corporation in Crawfordsville, will be treated to be nonhazardous by Heritage Environmental Services (HES) and disposed of in HES's solid waste landfill permitted under 329 IAC 10. HES petitioned IDEM to exclude, or in other words, delist the waste from regulation as a hazardous waste and IDEM agreed that this would be appropriate with certain restrictions in place to ensure safe disposal. He also said that EPA Region V is in the process of delisting this waste, and that the rule actually "parallels EPA's proposed delisting rule. He concluded his presentation by recommending final adoption of the rule. For a complete account of Mr. Mojonniere's remarks, please see pages 18 through 19 of the official transcript of this meeting.

Vice Chairperson Graham then asked for Board discussion. After brief Board discussion, Vice Chairperson Graham asked for public comment, and noted that there were no comment cards submitted. There being no public comment, Vice Chairperson Graham concluded the hearing.

There being no further questions or discussion from the Board, Vice Chairperson Graham asked for a motion to adopt then rule as final. Mr. Michael Carnahan so moved and Mr. Hohman seconded. The motion passed unanimously.

4. Vice Chairperson Graham adjourned the meeting at 2:05 p.m.

ADJOURNMENT

The next meeting will be August 21, 2001, at 1:30 p.m., in the Indiana Government Center South, Conference Center Room A, 402 West Washington Street, Indianapolis, Indiana 46204.

CHAIRPERSON

TECHNICAL SECRETARY

402 West Washington Street
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ADDENDUM

Mr. Jeff Langbehn arrived after the meeting was adjourned.